1. S.B.CRIMINAL MISC. PETITION NO.375/2007
2. S.B.CRIMINAL MISC. PETITION NO.335/2007
3. S.B.CRIMINAL MISC. PETITION NO.336/2007
4. S.B.CRIMINAL MISC. PETITION NO.337/2007
5. S.B.CRIMINAL MISC. PETITION NO.338/2007
6. S.B.CRIMINAL MISC. PETITION NO.339/2007
7. S.B.CRIMINAL MISC. PETITION NO.340/2007
8. S.B.CRIMINAL MISC. PETITION NO.341/2007
9. S.B.CRIMINAL MISC. PETITION NO.342/2007
10 S.B.CRIMINAL MISC. PETITION NO.376/2007
11 S.B.CRIMINAL MISC. PETITION NO.377/2007
12 S.B.CRIMINAL MISC. PETITION NO.378/2007
13 S.B.CRIMINAL MISC. PETITION NO.379/2007
14 S.B.CRIMINAL MISC. PETITION NO.380/2007
15 S.B.CRIMINAL MISC. PETITION NO.381/2007
16 S.B.CRIMINAL MISC. PETITION NO.382/2007
17 S.B.CRIMINAL MISC. PETITION NO.383/2007
18 S.B.CRIMINAL MISC. PETITION NO.384/2007
19 S.B.CRIMINAL MISC. PETITION NO.583/2007

Date : 02.08.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Shambhoo Singh for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.
Mr. S.R. Sharma for non-petitioner No.2.

BY THE COURT:

By these petitions under Section 482 Cr.P.C., the petitioner has challenged the orders passed by the learned Sessions Judge, Bikaner in different revision petitions whereby the orders passed by the learned Judicial Magistrate, Bikaner have been affirmed.

For the disposal of these petitions, necessary facts are that non-petitioner complainant filed 20 complaint before the learned trial court under Section 138 of the Negotiable Instruments Act (hereinafter referred to as `the Act'). The complaints were registered and cognizance was taken under the Act. The charge in complaints was read-over to the accused petitioner. The accused petitioner thereafter moved an application under Section 219 read with Section 309 Cr.P.C. before the learned trial court with the prayer of clubbing all these cases and hearing of same should take place on one day as the petitioner was required to attend the court and was living at Jaipur. The learned trial court after hearing both sides and taking into consideration the facts and circumstances of the case found that it was not desirable and proper to club all 20 cases and hear the same on one particular date because for managing the court work and to avoid inconvenience to other litigants the court could not take up all the matters of the petitioner on one particular date leaving other cases, therefore, partly allowed the application and kept 10 cases on one date and remaining 10 cases on some other date.

The petitioner feeling dissatisfied filed revision petitions before the learned Sessions Judge, Bikaner, ie. the Revisional court, who after hearing both sides affirmed the orders passed by the learned trial court and also found that since the applications under Section 219 Cr.P.C. were not moved at the appropriate stage and further the orders passed by the learned trial court suffered from no legal infirmity, therefore, rejected the revision petitions.

Hence, the petitioner has filed the present petitions under Section 482 Cr.P.C. The petitions are being disposed of by this common order as the point of law and facts involved in these cases are almost identical.

The contention of learned counsel for the petitioner is that the learned trial court as well as the learned revisional court both committed error of law while appreciating the provisions of law in the present matters. It has been submitted that convenience of the petitioner was not at all taken into consideration inasmuch as the petitioner is resident of Jaipur and in the cases which are 20 in numbers, it was in the fitness of things to have clubbed the

cases and evidence was required to be taken in all the cases on one date but it has not been done, therefore, the order passed by the learned courts below requires to be set aside.

On other hand, it has been submitted that the orders impugned passed by the learned courts below suffers from no infirmity, therefore, there is no reason why there should be any interference by this Court in the impugned orders passed by the learned courts below. It has been submitted that when the two courts found no substance in the contention raised by the learned counsel for the petitioner, then, there appears no merit in the present petitions and the same are required to be dismissed summarily.

I have considered the submissions made before me.

The learned trial court has considered the matter in detail and assigned reasons for not taking all the cases on one particular date and infact has fixed 10 cases on one day and remaining 10 cases on some other date. Thus, it appears that learned trial court while taking into consideration pendency of the

other cases and to manage the court work has passed the impugned order whereby partly relief was granted to the petitioner. Learned revisional court found that the stage for moving application under Section 219 Cr.P.C. was over and also found that in the facts and circumstances of the case order passed by the learned trial court suffers from no legal infirmity.

In the above circumstances, as regards the facts of the present cases and finding recorded by two courts are concerned, appears to be legal, just and proper and there appears no exceptional circumstance available for invoking the powers vested in this Court under Section 482 Cr.P.C. The present petitions having no merit deserve to be dismissed.

In view of aforesaid discussion, the misc. petitions filed by the petitioner are hereby dismissed.

(SATYA PRAKASH PATHAK), J.